

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Labor/Economic Development
Thursday, March 19, 2009
3:05 P.M.
Third Floor, City Hall

Present:
Chair: CM Butler
Vice Chair: CM Peden
Members: CM Engel, and CM King

Also Present: CM Heiner, CM Fleming, and CM Ward-Pugh

Absent: CM Owen (Excused)

Chairwoman Butler announced the members and non-members of the committee that were present. A quorum was established.

AGENDA

[R-32-03-09 A RESOLUTION DETERMINING THREE \(3\) PARCELS OF REAL PROPERTY LOCATED AT 2626 AND 2310 LAMBORNE BLVD. AND 8701 THIRD STREET ROAD, SET OUT IN EXHIBIT A ATTACHED HERETO, OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT \("METRO GOVERNMENT"\), AND CURRENTLY USED FOR DRAINAGE AND FLOOD CONTROL, AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER TO LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT \("MSD"\).](#)

Status: In-Committee
Committee: Labor & Economic Development
Primary Sponsor: Vicki Aubrey Welch

Motion to Approve made by Jim King and seconded by Robin Engel.

Discussion: Jim Braun, Property and Leasing Manager, Public Works and Assets, spoke to this item stating these three properties are drainage properties and have already been used by MSD for some time.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Robin Engel, James Peden, Marianne Butler
Against: (None)
Abstain: (None)
Absent: Tom Owen

[O-32- 02-09 AN ORDINANCE ENACTING A NEW SECTION OF CHAPTER 37 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES \[LMCO\] TO ESTABLISH LABOR STANDARDS FOR PUBLIC PROJECTS FUNDED WITH PUBLIC FUNDS OR PRIVATE ACTIVITY PROJECTS RECEIVING PUBLIC SUPPORT THROUGH THE USE OF PUBLIC FUNDS, TAX SUBSIDIES, TAX CREDITS, TAX REBATES, PUBLIC/PRIVATE PARTNERSHIPS, ACCESS TO PUBLIC ASSETS OR ASSISTANCE PROVIDED BY PUBLIC AGENCIES](#)

Status: In-Committee - Tabled
Committee: Labor & Economic Development
Primary Sponsor:
Jim King
Rick Blackwell

Motion to Untable made by Jim King and seconded by Robin Engel.

Discussion: CM King spoke to this item. The following was discussed:

- Would like to have more public participation
- Great deal of support for Arena Project Standards
- Want this to be business friendly
- Does not want to conflict with other credits such as KDFA , KIDA, etc.
- Employer has to give employees access to a Health Plan but the employer does not have to pay for it and the employees do not have to participate
- Tax subsidized project

Motion to Amend as follows made by Jim King and seconded by Marianne Butler.

- TITLE - AN ORDINANCE ENACTING A NEW SECTION OF CHAPTER 37 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] TO ESTABLISH LABOR STANDARDS FOR PUBLIC PROJECTS FUNDED WITH PUBLIC FUNDS OR PRIVATE ACTIVITY PROJECTS RECEIVING PUBLIC SUPPORT THROUGH TAX INCREMENT FINANCING, GENERAL OBLIGATION BONDS, DIRECT PAYMENTS, PROPERTY TAX ABATEMENTS, THE USE OF PUBLIC FUNDS, TAX SUBSIDIES, TAX CREDITS, TAX REBATES, PUBLIC/PRIVATE PARTNERSHIPS, ACCESS TO PUBLIC ASSETS OR ASSISTANCE PROVIDED BY PUBLIC AGENCIES [AS AMENDED]
- **WHEREAS**, the Metro Council is from time to time requested to endorse or approve tax increment financing, general obligation bonds, direct payments, property tax abatements, industrial revenue bonds, tax credits, tax rebates or similar benefits for private developers seeking public/private partnerships, public assistance or access to public assets, and
- **WHEREAS**, it is the will of the Metro Council that any public or private activity construction projects in Metro Louisville that receive substantial public funds or public tax subsidies such as tax credits or tax rebates, or that receive access to public assets or public assistance in any form (subsidized projects) provide opportunities for local contractors and local labor, and
- **WHEREAS**, it is the will of the Metro Council that any subsidized construction projects in Metro Louisville provide opportunities for minority owned and women owned businesses based in Metro Louisville, and
- **WHEREAS**, it is the will of the Metro Council that any subsidized construction projects in Metro Louisville provide opportunities for both union and non-union contractors that comply with all federal and state employment laws, and
- **WHEREAS**, it is the will of the Metro Council that any union and non-union labor employed on subsidized construction projects receive a competitive package of wages, benefits and training,
- **TAX SUBSIDIZED PROJECTS:** Any construction project in Louisville/Jefferson County funded through tax increment financing, general obligation bonds, direct metro payments, or property tax abatements that receives public funds, public tax subsidies, forgiveness of public debt or liability, or that receives access to public assets or public assistance in any form in an amount over \$250,000. Tax credits or tax reductions provided by Kentucky State employment incentive programs such as the Kentucky Jobs Development Act, KDFA, KIDA are exempt from this provision.
- **B. LABOR STANDARDS**
 - i. Opportunities for all workers to have access to working on a project as defined in this section shall be covered by a health plan.
- **C. COMPLIANCE AND MAINTENANCE OF RECORDS**
 - (3) Every employer shall permit an authorized agent of Metro Government to question any of his or her employees at the site of the tax subsidized project and during work hours in respect to that wages paid, hours worked and duties of such employee or other employees. For purposes of this section, the term "authorized agent" shall include members of the Metro Council and their respective agents or designees.
 - (4) While the foregoing guidelines on the utilization of minorities, minority owned businesses, females, female owned businesses, and utilization of residents as employees and contractors are recommended goals, failure to meet such goals will not result in disqualification from participation in the receipt of particular funds or incentives. Developers, contractors, and subcontractors however, will be expected to provide sworn affidavits written reports to the Executive Director of the Human Relations Commission describing ~~of~~ efforts they have made to utilize as subcontractors or employees; minorities, minority owned businesses, females, female owned businesses, and local residents.

Further discussion included the following:

- Under Tax Subsidized Project - Percentages vs. dollar amount
- Will Louisville lose out because of this law

- Effective dates - would projects already in the works be affected - would have to judge on a contract by contract basic
- Impact to Subcontractors
- Enforcement

CM Peden requested the sponsor to provide copies of laws from our thirteen most competitive Cities regarding this topic.

The Amendment passed.

Motion to Table was made by Jim King and seconded by James Peden.

This Ordinance was **Tabled**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 1

For: Jim King, Robin Engel, James Peden, Marianne Butler

Against: (None)

Abstain: (None)

Absent: Tom Owen

[R-18-01-09 A RESOLUTION REQUESTING THE JEFFERSON COUNTY ATTORNEY'S OFFICE TO INFORM THE LOUISVILLE METRO COUNCIL \("COUNCIL"\) ON THE LEGAL EFFECTS THE LIEN FILINGS REGARDING THE MUSEUM PLAZA PROJECT \("PROJECT"\) HAVE ON LOUISVILLE METRO GOVERNMENT \("METRO"\) AND ITS PROPERTY AND URGING THE MAYOR TO ASK THE DEVELOPER TO PROVIDE A STATUS REPORT ON THE DEVELOPER'S OBLIGATIONS WITH RESPECT TO THE PROJECT AS SET FORTH IN THE DEVELOPMENT AGREEMENT \("AGREEMENT"\) AND TO REQUEST THE DEVELOPER REMOVE THE LIEN FILINGS ON THE PROPERTY OWNED BY METRO GOVERNMENT AND AFFILIATED ORGANIZATIONS.](#)

Status: In Committee - Tabled

Committee: Labor & Economic Development

Primary Sponsor: Hal Heiner

Discussion: This item remained **Tabled**.

[R-179-10-08 A RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO ADDRESS NATIONWIDE FINANCIAL PROBLEMS WITH HOME MORTGAGES.](#)

Status: In Committee - Held

Committee: Labor & Economic Development

Primary Sponsor: Dan Johnson

Discussion: This item remained **Held in Committee**.

[O-6-01-09 AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON NEW DEVELOPMENTS WHICH INCLUDE THE RETAIL SALES OF GASOLINE.](#)

Status: In Committee - Held

Committee: Labor & Economic Development

Primary Sponsor: Dan Johnson

Discussion: This item remained **Held in Committee**.

Motion to Adjourn was made by Jim King and seconded by James Peden.

Without objection the meeting Adjourned at 3:55 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on March 26, 2009.**

KQG